

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICANTS: IGNATIUS, Jyrki et al. CONF: 9773
SERIAL NO.: 10/080,862 GROUP: 1764
FILED: February 22, 2002 EXAMINER: JOHNSON, J.
FOR: CLEAN-BURNING MTBE-FREE GASOLINE FUEL

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)

HANDCARRY TO TECHNOLOGY CENTER 1700
ATTN: Special Program Examiner
Assistant Commissioner for Patents
Washington, D.C. 20231

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Sir:

Pursuant to 37 C.F.R. §1.102(d), Applicant hereby requests that the above-identified application be advanced out of turn for examination. This petition is accompanied by the fee set forth in 37 C.F.R. §1.17 (h).

A pre-examination search was conducted in connection with the corresponding PCT Application No. PCT/FI 02/00672A, a copy of the International Search Report is enclosed. That Report identified six (6) prior art references, of which four (4) were deemed particularly relevant to the claims of the present invention. Applicant had previously submitted copies of the references disclosed in this International Search Report in an Information Disclosure Statement filed on January 30, 2003. Although these references are already of record, Applicant has enclosed another copy of these references with this Petition for the Examiner's review. The references deemed most closely related to the subject matter encompassed by the claims are:

1. US 6,241,791 (Trotta et al.)
2. US 6,132,479 (Welstand et al.)
3. US 5,288,393 (Jessup et al.)
4. WO 0160955 (Exxon-Mobil).

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All of these references have been cited as being relevant to claims 1-12 of the above-identified application. Applicant submits that the instant claims are novel and non-obvious in view of these references because none of the references, either singly or in combination, discloses each and every limitation of the instant claims. In particular, none of the references disclose or suggest using the particular amount of light olefins required by the claims in the gasoline fuel composition.

US 6,241,791 (Trotta et al.)

The '791 patent discloses a fuel composition, which contains a significant amount of iso-octane. The present claims are directed to a fuel composition that has as one of the limitations, a content of light olefins, with a boiling point of below +90° C, of less than 6 vol. %. The '791 reference does not disclose all of the elements of the claimed invention and, in particular, fails to disclose the light olefins limitation. As such, the '791 patent cannot be held to anticipate the instant invention.

US 6,132,479 (Welstand et al.)

The '479 patent is directed to a low emission, non-oxygenated fuel composition. The Specification describes the gasoline fuel as one preferably having an olefin content of 8 volume percent or less, and more preferably 5 volume percent or less (see col. 3, lines 5-8). The reference does not disclose or describe the amounts of light or heavy olefins in the fuel composition. As noted above, the present claims are directed to a fuel composition that has as one of the limitations, a content of light olefins, with a boiling point of below +90° C, of less than 6 vol. %. The '479 patent does not disclose or describe this limitation and, therefore, cannot be held to anticipate the present invention.

US 5,288,393 (Jessup et al.)

The '393 patent is also directed to a gasoline fuel wherein controlling one or more properties of a gasoline fuels results in the reduction of NO_x, CO and/or hydrocarbon emissions. The reference describes increasing or decreasing one of eight properties set forth in col.1, line 62 to col. 2, line 6. Although the '393 patent generally describes the advantages of decreasing the olefin content to, i.e. 5% by volume, the reference does not disclose or describe the amounts of light or heavy olefins in the fuel composition or describe a fuel composition having a content of

light olefins of less than 6 vol.% as required by the instant claims. As such, the '393 reference similarly fails to anticipate the claimed fuel compositions.

WO 0160955 (Exxon-Mobil)

Although this reference was cited as relevant prior art in the International Search Report, Applicant submits that this reference is not a valid prior art reference because it was published on August 23, 2001, eight (8) days after Applicant's foreign priority application was filed (i.e. August 15, 2001). Applicants have, therefore, not substantively addressed the teachings of this reference.

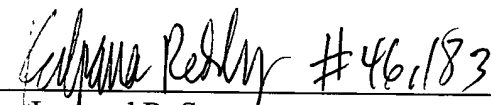
As required under the rules, Applicants have demonstrated how the claimed invention is patentable over the cited prior art references. Accordingly, Applicants respectfully request favorable consideration of their petition that their application be advanced out of turn for examination.

Pursuant to 37 C.F.R. §§1.102(dy0pup) and 1.17(h), Applicant respectfully requests that their application be made special and the required fee of \$130.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment: International Search Report w/ references